

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
UNITED STATES)	
)	
V.)	No. 14-CR-10143-WGY
)	
JOSHUA WAIRI)	
_____)	

DEFENDANT'S MOTION FOR SUBMISSION OF WRITTEN INSTRUCTION TO JURY

The defendant moves that the Court provide a written instruction to the jury's question of May 1 at 4:10 pm.

The jury asked the following question:

Q) For attempted production, would you define child pornography for Wairi's or from general public perspective?

The Court provided an oral response to the question. The defendant and the prosecution have obtained a transcript of the response, which is appended to this motion with a copy of the question. It is far easier to understand the Court's instruction if the jury has the opportunity to read it, rather than having to rely solely on memory. Moreover, it was given at the end of a full day with only approximately thirty-five minutes left in the deliberation for the week. Finally, an unusual three-day break has occurred between the deliberation days.

WHEREFORE, the defendant moves that the Court provide a written instruction to the jury's question of May 1 at 4:10 pm.

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By His Attorneys

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May 4, 2015

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on or before the above date.

J. W. Carney, Jr.

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